

IN RE: PETITION FOR ZONING VARIANCE
NE Corner Mall Ring Road and
Mall Access Road No. 2
(8352 Honeygo Boulevard)
14th Election District
6th Councilmanic District
IKEA Property, Inc.
Petitioner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 89-165-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a variance to permit eight (8) business signs of 881 sq.ft. total, plus or minus, in lieu of the maximum permitted three (3) signs of 100 sq.ft. each, as more particularly described in Petitioner's Exhibit 1.

The Petitioner, by Gary Ternes, Store Manager for the Baltimore Location, appeared and testified. Also appearing and testifying on behalf of the Petitioner were Lee Klebe and Harry Sommer of Triangle Signs. There were no Protestants.

Testimony indicated that the subject property, located off Honeygo Boulevard, is the site of an IKEA retail department store. Mr. Ternes testified that Petitioner proposes placing eight (8) freestanding signs surrounding the site. Six of the signs would be 6'8" x 9', double-faced, consisting of 130 sq.ft. each; one sign would be 6'8" x 9' and single-faced; and another sign would be 3' x 9' and single-faced. Petitioner indicated the exact language or appropriate information which would be put on each sign has not been decided. The company had determined they needed this number of signs to indicate the following: One sign would display the words: "Welcome to IKEA" and listing the store hours; another sign would indicate that there is a restaurant and cafe, encouraging patrons to enjoy a taste of Sweden; another sign would advise patrons of

IKEA's return policy; for example, said sign might say "IKEA - No Nonsense Return Policy, You'll Be Smiling When You Leave." Another sign would indicate that they provide home deliveries with wording similar to: "Of Course, We Have Home Deliveries," and another sign would contain something to the effect of: "Thank You For Visiting IKEA" and reminding them of the store's hours.

Mr. Ternes testified the Petitioner believes the signs are needed due to the volume of visitors to the site and their hours being different from the hours of nearby White Marsh Mall. He indicated that the store receives numerous calls regarding store hours and their policy on home deliveries.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

After due consideration of the testimony and evidence presented, there is insufficient evidence to allow a finding that the Petitioners would experience practical difficulty or unreasonable hardship if the

requested variance were denied. The testimony presented by Petitioners was in support of a matter of preference rather than of the necessity for the variance. Much of the information it proposes including on the signs is information any store owner would like to provide. The Petitioners have failed to show that compliance would unreasonably prevent the use of the property or be unnecessarily burdensome. To grant the relief requested herein would open a Pandora's box. Therefore, the variance requested must be denied.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be denied.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 6th day of December, 1988 that the Petition for Zoning Variance to permit eight (8) business signs of 881 sq.ft. total, plus or minus, in lieu of the maximum permitted three (3) signs of 100 sq.ft. each, in accordance with Petitioner's Exhibit 1, be and is hereby DENIED.

AMN:bjs

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
JRM/KS/SLX 887-3353

December 6, 1988

Mr. Gary Ternes
c/o IKEA
8352 Honeygo Boulevard
Baltimore, Maryland 21236

RE: PETITION FOR ZONING VARIANCE
NE Corner Mall Ring Road and Mall Access Road No. 2
(8352 Honeygo Boulevard)
14th Election District - 6th Councilmanic District
IKEA Property, Inc. - Petitioner
Case No. 89-165-A

Dear Mr. Ternes:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been denied in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 494-3391.

Very truly yours,

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:bjs

cc: Messrs. Rick Wilson, Lee Klebe and Harry Sommer
IKEA Property, Inc.
3343 Washington Boulevard, Baltimore, Md. 21227

Mr. Richard R. Jones
Nottingham Properties, Inc.
100 W. Pennsylvania Avenue, Towson, Md. 21204

People's Counsel

File

PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 89-165-A

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 413.2F To allow 8 business signs with a total square footage of 881 sq. ft. (+ or -) in lieu of the permitted 3 signs and 100 sq. ft. respectively.

Permitted 3 signs and 100 sq. ft. respectively.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

See Attached Page

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc. upon filing of this petition, and further agree to be bound by the zoning regulations and restrictions of Baltimore County Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):

IKEA Property, Inc.

(Type or Print Name)

Signature

Signature

Signature

Signature

Signature

Signature

Signature

Signature

Signature

Signature

Signature

Signature

Signature

Signature

Signature

Signature

Signature

Signature

Signature

Signature

Signature

Signature

Signature

Signature

Signature

Signature

Signature

Signature

Signature

Signature

Signature

Signature

Signature

Signature

RE: PETITION FOR VARIANCE : BEFORE THE ZONING COMMISSIONER
NE Corner Mall Ring Rd. & Mall
Access Rd. #2 (8352 Honeygo
Blvd.), 14th Election Dist.: : OF BALTIMORE COUNTY
6th Councilmanic Dist. :

IKEA PROPERTY, INC., Petitioner : Case No. 89-165-A

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel
Room 304, County Office Building
Towson, Maryland 21204
494-2188

I HEREBY CERTIFY that on this 24th day of October, 1988, a copy of the foregoing Entry of Appearance was mailed to Mr. Lee Klebe, Agent for Petitioner, Triangle Sign & Service, 3343 Washington Blvd., Baltimore, MD 21227.

Peter Max Zimmerman
Peter Max Zimmerman

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 14th Date of Posting: 10/14/88
Post for: Variance
Petitioner: IKEA Property, Inc.
Location of property: NEC Mall Ring Rd. & Mall Access Rd. #2
8352 Honeygo Blvd.
Location of Sign: 1-30 ft. at West Property & 1-30 ft. at Shop
Property, both signs 5' x 10' vertical, on subject property
Remarks:
Posted by: M. Haines Date of return: 10/14/88
Number of Signs: 2

CERTIFICATE OF PUBLICATION

TOWSON, MD. Oct 11 1988

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md. appearing on Oct 13 1988

THE JEFFERSONIAN

Publisher

NOTICE OF HEARING
The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the petition for Zoning Variance filed by IKEA Property, Inc., Case Number 89-165-A, NEC Mall Ring Road and Mall Access Road #2 (8352 Honeygo Boulevard), 14th Election District - 6th Councilmanic District, Towson, Maryland 21204, on Tuesday, November 1, 1988 at 2:00 p.m. at the County Office Building, Room 106, 111 W. Chesapeake Avenue, Towson, Maryland 21204.

Bo# 05119
By # M20352
Cue 2 15.90
NET, JEFF

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353

Date: 10/25/88

IKEA Property, Inc.
Plymouth Commons
Plymouth Meeting, Pennsylvania

ATTN: MR. RICK WILSON

Re: Petition for Zoning Variance
CASE NUMBER: 89-165-A

NEC Mall Ring Road and Mall Access Road #2
(8352 Honeygo Boulevard)
14th Election District - 6th Councilmanic
District: IKEA Property, Inc.

HEARING SCHEDULED: TUESDAY, NOVEMBER 1, 1988 at 2:00 p.m.

Gentlemen:

Please be advised that 105.90 is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring to the County Office, County Office minutes before

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 058982
DATE: 10/17/88 ACCOUNT: R-01-615-000
AMOUNT: 105.90
RECEIVED FROM: IKEA
FOR: Posting
89-165-A

post set(s), there each set not

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353

September 23, 1988

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the petition identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance
CASE NUMBER: 89-165-A
NEC Mall Ring Road and Mall Access Road #2
(8352 Honeygo Boulevard)
14th Election District - 6th Councilmanic
District: IKEA Property, Inc.
HEARING SCHEDULED: TUESDAY, NOVEMBER 1, 1988 at 2:00 p.m.

Variance to allow 8 business signs with a total square footage of 881 square feet in lieu of the permitted 3 signs and 100 square feet respectively.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of a permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

NOTE:

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County
cc: IKEA Property, Inc.
Mr. Lee Klebe
File

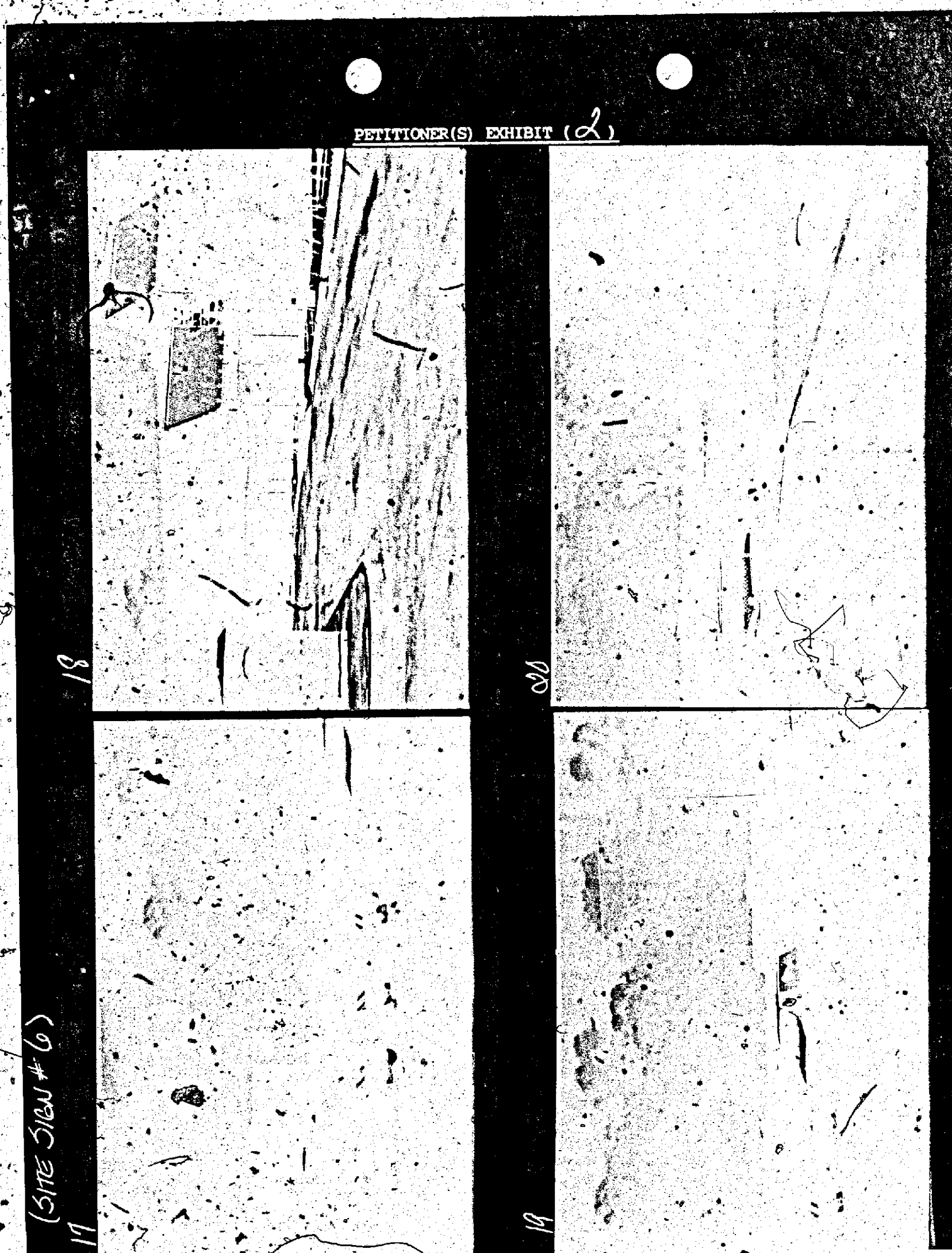
IF PHASE II OF THE SNOW EMERGENCY PLAN IS IN EFFECT IN BALTIMORE COUNTY BY 8:30 a.m. ON THE DATE OF THE ABOVE HEARING, SUCH HEARING WILL BE POSTPONED AND TENTATIVELY RESCHEDULED FOR THURSDAY, December 22, 1988. PLEASE TELEPHONE DOCKET CLERK (494-3391) TO CONFIRM.

PETITIONER(S) EXHIBIT (2)

PETITIONER(S) EXHIBIT (2)

PETITIONER(S) EXHIBIT (2)

PETITIONER(S) EXHIBIT (2)



IKEA

1) Enjoy a taste of Sweden
Restaurant and Cafe
Wrenchman eating (Illustration)

2) Return Policy
IKEA No Nonsense Return Policy
You'll be smiling when you leave

3) Home Deliveries
Of course we have home delivery
Wrenchman in Car (Illustration)

4) Thank You for Visiting IKEA
Come Again We Are Open
Store Hours
Please Drive Carefully

5) Welcome to IKEA
We're Open (Store Hours)

PETITIONER'S EXHIBIT 3

IKEA Pennsylvania, Inc.
Plymouth Meeting Mall
Plymouth Meeting, PA 19440
Tel (215) 834-4100 Telex 846223
Telex 610 834-4072

IKEA Property, Inc.
IKEA Incorporated
IKEA Property, Inc.
Plymouth Commons
Plymouth Meeting, PA 19440
Tel (215) 834-4180 Telex 846223
Telex 610 834-4072

IKEA Baltimore, Inc.
8352 Honeygo Blvd.
Baltimore, MD 21204
Tel (410) 528-4444
Telex 610 528-4449

IKEA Virginia, Inc.
2700 Potomac Mills Circle, Suite 300
Woodbridge, VA 22092
Tel (703) 490-5658 Telex 643-5267
Tel (703) 490-5711
Cust. Serv. Helpline (703) 643-5475

89-165-A

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this
34th day of August, 1988.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Petitioner: IKEA Property, Inc.
Petitioner's Agent: Lee Kiebo

Received by: James E. Dyer
Chairman, Zoning Plans
Advisory Committee

Baltimore County
Fire Department
Towson, Maryland 21204-2586
494-4500

Paul H. Reincke
Chief

September 7, 1988

J. Robert Haines, Zoning Commissioner
Office of Planning & Zoning
Baltimore County Office Building
Towson, Maryland 21204

Re: Property Owner: IKEA Property, Inc.
Location: NE/c Mall Ring Road and Mall Access Road #2
8352 Honeygo Blvd.
Item No.: 52 Zoning Agenda: Meeting of 8/23/88

Dennis F. Rasmussen
County Executive

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

() 1. Fire hydrants for the referenced property are required and shall be located at intervals of feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.

() 2. A second means of vehicle access is required for the site.

() 3. The vehicle dead end condition shown at EXCEEDS the maximum allowed by the Fire Department.

() 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

() 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.

() 6. Site plans are approved, as drawn.

(X) 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: Carl H. Kelly 9-7-88 NOTED & APPROVED: John F. O'Neill
Planning Group Fire Prevention Bureau
Special Inspection Division

/s/

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 405
Towson, Maryland 21204
494-3554

October 13, 1988

RECEIVED ZONING OFFICE
DATE: 11/14/88

Dennis F. Rasmussen
County Executive

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, MD 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 43, 50, 51, 52, 53, 54, 56, 57, 60, & 62.

Very truly yours,
Michael S. Planigan
Michael S. Planigan
Traffic Engineer Associate II

WPF/leb

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

October 24, 1988

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

Mr. Lee Kiebo, Agent
Triangle Sign & Service
3343 Washington Boulevard
P.O. Box 24186
Baltimore, Maryland 21227

MEMBERS
Bureau of Engineering
Department of Traffic Engineering
State Roads Commission
Bureau of Fire Prevention
Health Department
Project Planning
Building Department
Board of Education
Zoning Administration
Industrial Development

RE: Item No. 52 - Case No. 89-165-A
Petitioner: IKEA Property, Inc.
Petition for Zoning Variance

Dear Mr. Kiebo:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time to offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comments that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,
James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:dt

BALTIMORE COUNTY, MARYLAND

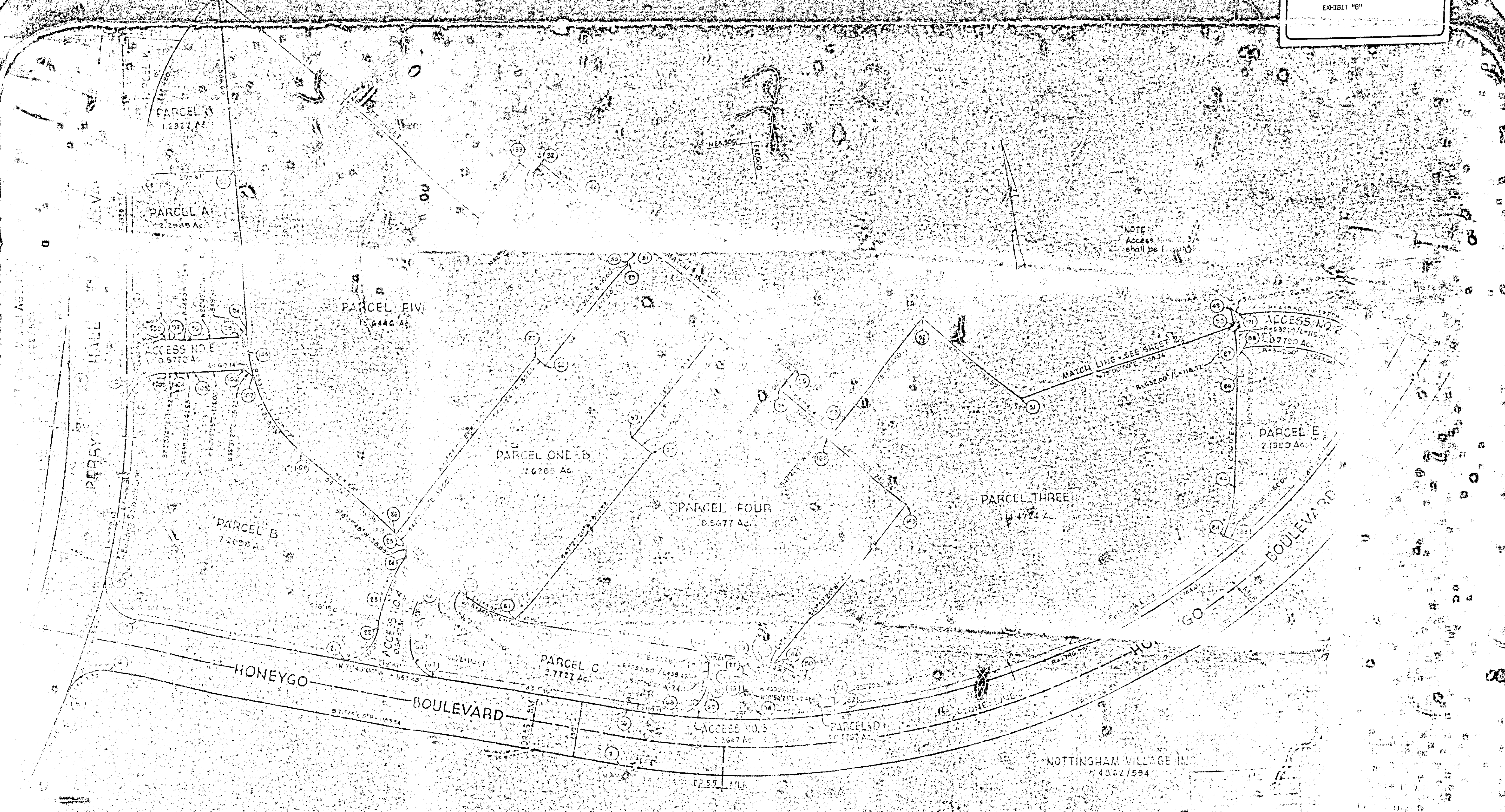
INTER-OFFICE CORRESPONDENCE

J. Robert Haines
Zoning Commissioner

TO: Pat Keller, Deputy Director Date: November 3, 1988
FROM: Office of Planning and Zoning
Ikea Property, Inc.
SUBJECT: Zoning Petition No. 89-165-A

The County Landscape Planner shall review the areas within proximity of the proposed areas being disturbed by the placement of signage and recommend supplemental planting prior to the issuance of building permits.

PK/af



APPROVED BALTIMORE COUNTY HEALTH DEPARTMENT DATE: [unclear] BY: [unclear]	COORDINATES SHOWN ARE EXTENSIONS MADE FROM BALTIMORE CITY COORDINATES AS ESTABLISHED BY BALTIMORE CITY ENGINEERING DEPARTMENT BEARING REFERENCE TO TRUE NORTH BALTIMORE, AND ARE BASED ON BALTIMORE COUNTY PLATING PLAN DISTRICT CONTROL POINTS 8-2354 AND 8-2355	ENGINEERS WHITMAN, NEQUARD AND ASSOCIATES 1711 NORTH CHARLES STREET BALTIMORE, MARYLAND 21201 KENNETH A. RECORD REGISTERED LAND SURVEYOR NO. 1975	NOTTINGHAM VILLAGE, INC. OWNER 100 W. PENNSYLVANIA AVENUE BALTIMORE, MARYLAND 21201 OWNER'S CERTIFICATE CERTIFICATION IS HEREBY MADE THAT THE REQUIREMENTS OF ANNOTATED CODE OF MARYLAND, CHAPTER 1016, ACT OF 1945, HAVE BEEN COMPLIED WITH ON THIS PLAT.	APPROVED BALTIMORE COUNTY PLANNING BOARD DATE: [unclear] BY: [unclear]	APPROVED BALTIMORE COUNTY HEALTH DEPARTMENT DATE: [unclear] BY: [unclear]
--	---	--	---	--	---

TRIANGLE SIGN & SERVICE
3343 Washington Boulevard
Post Office Box #24180
BALTIMORE, MARYLAND 21227

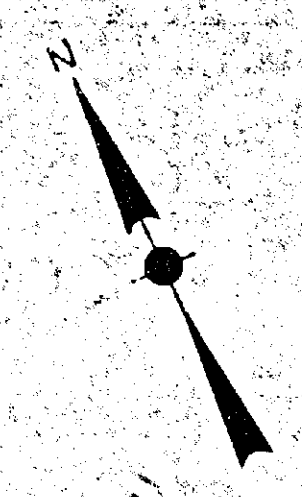
INER PROPERTY, INC.
EXHIBIT "A"



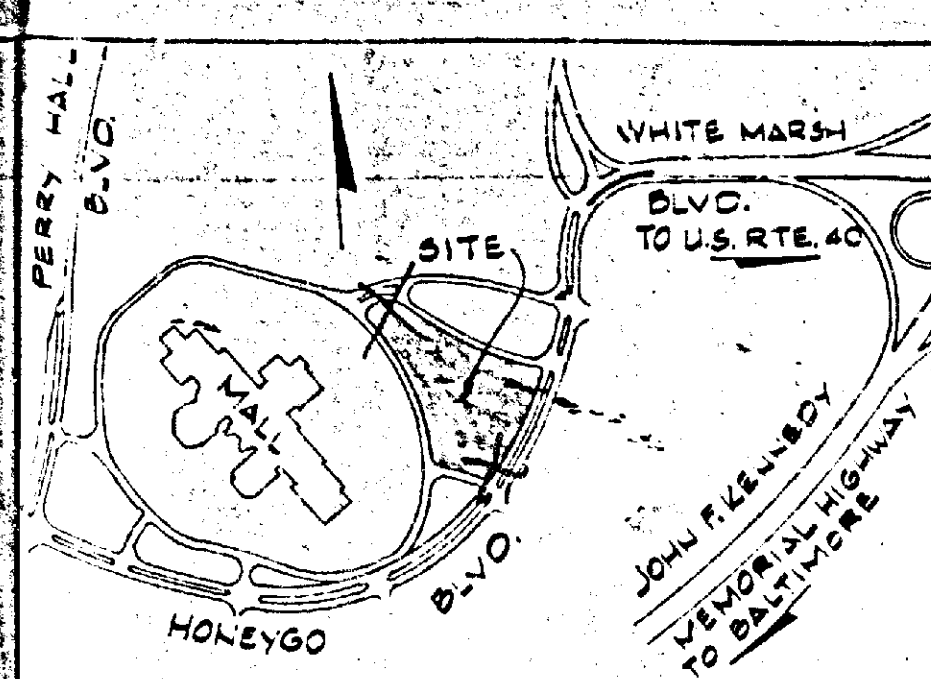
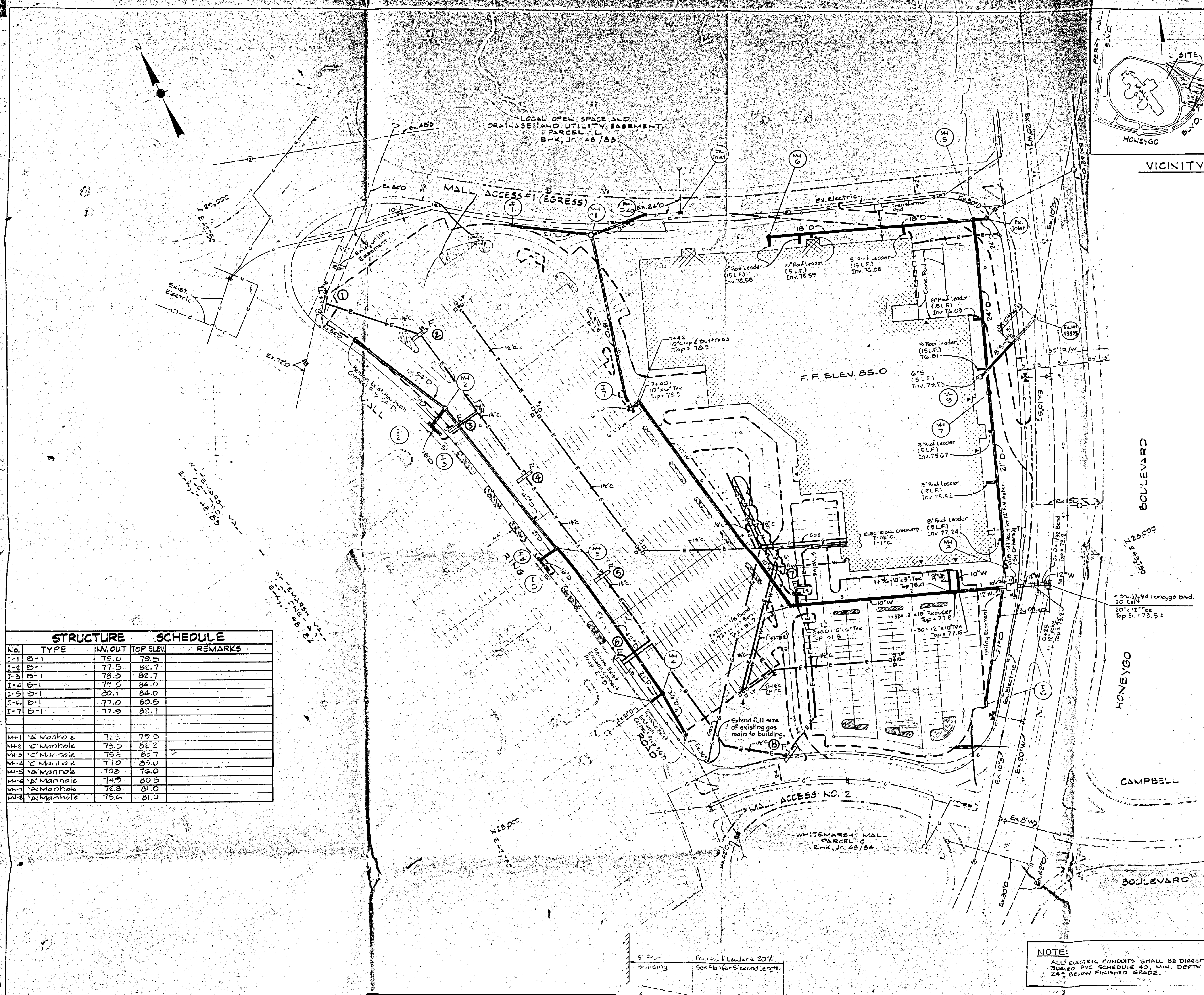
APPROVED BALTIMORE COUNTY HEALTH DEPARTMENT DATE: [unclear] BY: [unclear]	COORDINATES SHOWN ARE EXTENSIONS MADE FROM BALTIMORE CITY COORDINATES AS ESTABLISHED BY BALTIMORE CITY ENGINEERING DEPARTMENT BEARING REFERENCE TO TRUE NORTH BALTIMORE, AND ARE BASED ON BALTIMORE COUNTY PLATING PLAN DISTRICT CONTROL POINTS 8-2354 AND 8-2355	ENGINEERS WHITMAN, NEQUARD AND ASSOCIATES 1711 NORTH CHARLES STREET BALTIMORE, MARYLAND 21201 KENNETH A. RECORD REGISTERED LAND SURVEYOR NO. 1975	NOTTINGHAM VILLAGE, INC. OWNER 100 W. PENNSYLVANIA AVENUE BALTIMORE, MARYLAND 21201 OWNER'S CERTIFICATE CERTIFICATION IS HEREBY MADE THAT THE REQUIREMENTS OF ANNOTATED CODE OF MARYLAND, CHAPTER 1016, ACT OF 1945, HAVE BEEN COMPLIED WITH ON THIS PLAT.	APPROVED BALTIMORE COUNTY PLANNING BOARD DATE: [unclear] BY: [unclear]	APPROVED BALTIMORE COUNTY HEALTH DEPARTMENT DATE: [unclear] BY: [unclear]
--	---	--	---	--	---

TRIANGLE SIGN & SERVICE
3343 Washington Boulevard
Post Office Box #24180
BALTIMORE, MARYLAND 21227

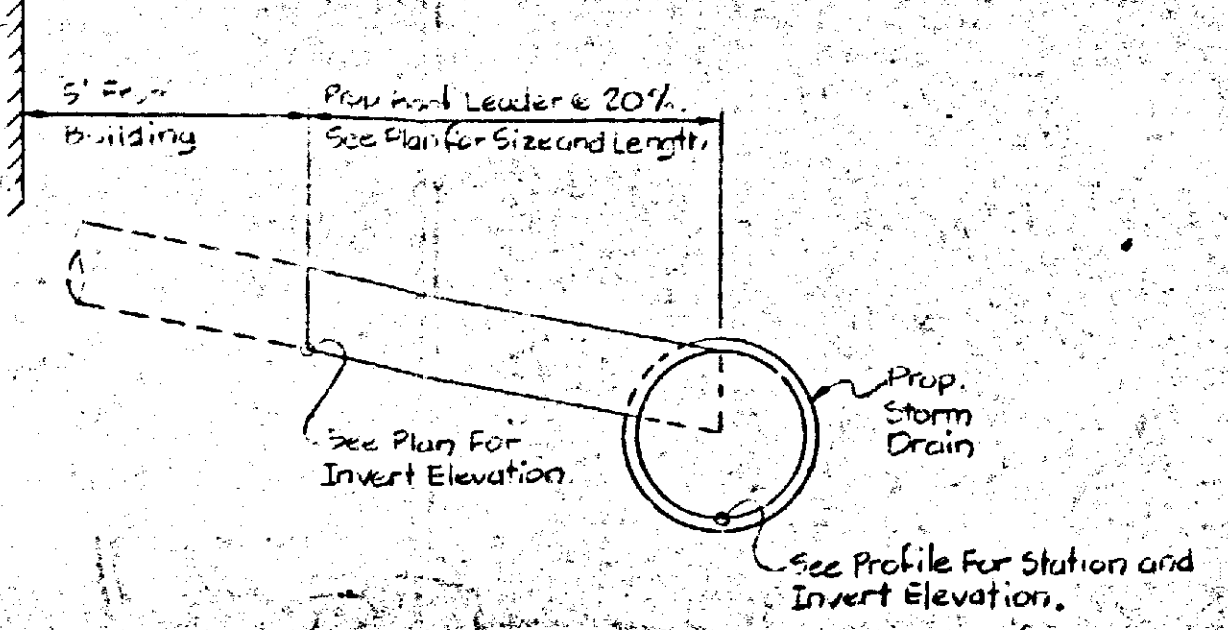
INER PROPERTY, INC.
EXHIBIT "A"



STRUCTURE		SCHEDULE		REMARKS
NO.	TYPE	INV. OUT	TOP ELEV.	
1-1	D-1	75.0	79.5	
1-2	D-1	77.5	82.7	
1-3	D-1	78.5	82.7	
1-4	D-1	79.5	84.0	
1-5	D-1	80.1	84.0	
1-6	D-1	77.0	80.5	
1-7	D-1	77.9	82.7	
MH-1	A Manhole	75.5	79.5	
MH-2	C Manhole	75.0	82.2	
MH-3	C Manhole	75.5	83.7	
MH-4	C Manhole	77.0	85.0	
MH-5	A Manhole	78.5	76.0	
MH-6	A Manhole	74.5	80.5	
MH-7	A Manhole	72.8	81.0	
MH-8	A Manhole	73.6	81.0	



VICINITY MAP



TYPICAL ROOF LEADER CONNECTION
No Scale

NOTE:
ALL ELECTRIC CONDUITS SHALL BE DIRECT BURIED PVC SCHEDULE 40, MIN. DEPTH 24" BELOW FINISHED GRADE.

WHITMAN, REQUARDT AND ASSOCIATES
ENGINEERS
2315 SAINT PAUL STREET
BALTIMORE, MARYLAND 21218

Kenneth A. McCord
Kenneth A. McCord, P.E. No. 1974

Election District No. 14
SITE UTILITIES
Scale: 1" = 50' Date: 6-24-87

TRIANGLE SIGN & SERVICE
3343 Washington Boulevard
Post Office Box 424186
BALTIMORE, MARYLAND 21227

IKEA PROPERTY, INC.
EXHIBIT "C"

A PROJECT OF
IKEA MARYLAND, INC.
ARCHITECTS - ENGINEERS
RTKL ASSOCIATES, INC.

CIVIL - ENGINEERS
WHITMAN, REQUARDT AND ASSOCIATES

2 signs

RTKL REV. SEPT. 2, 1987
RTKL REV. SEPT. 2, 1987
Rev. August 22, 1987
Rev. August 18, 1987
Rev. August 14, 1987
Rev. July 22, 1987

